UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America v. STEVE OMAR MALDONADO (AKA: EMILIO MALDONADO) DOB: XXXXXX	) Case: 1:21-mj-00210) Assigned to: Judge Faruqui, Zia M) Assign Date: 2/8/2021) Description: COMPLAINT W/ARREST WARRANT
Defendant(s)	

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of _____ in the _____ in the District of Columbia, the defendant(s) violated:

Code Section	*Offense Description*
18 U.S.C. § 1752 (a)(1) and (2) - Restricted Building or Grounds, 40 U.S.C. § 5104(e)(2)(D) and (G) - Violent Entry or Disorderly Conduct, and parade, demonstrate, or picket on Capitol Grounds.	

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.

[redacted]

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: 02/08/2021

2021.02.08 20:57:05 -05'00'

Judge's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

Case: 1:21-mj-00210
Assigned to: Judge Faruqui, Zia M
Assign Date: 2/8/2021
Description: COMPLAINT W/ARREST WARRANT

STATEMENT OF FACTS

Your affiant, [redacted], is a Federal Bureau of Investigation Special Agent assigned to the Counterintelligence Division. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of a violation of Federal criminal laws.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

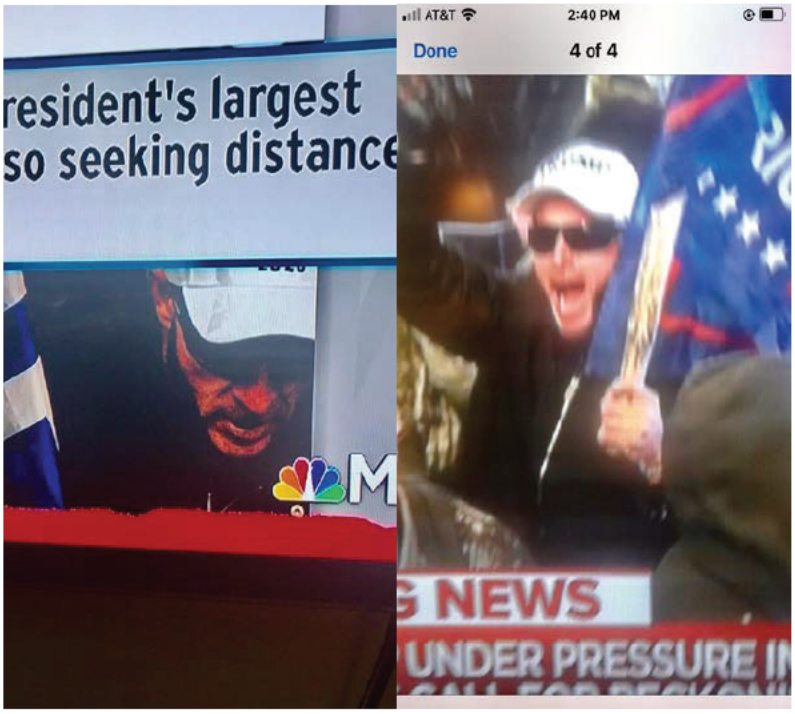
At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of

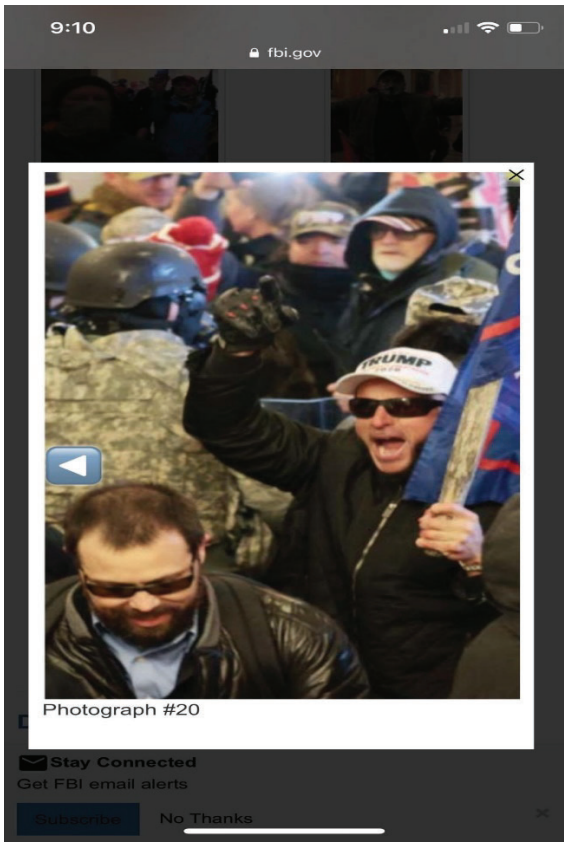
violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

On or about January 11, 2021, COMPLAINANT 1 reported "STEVE MALDONADO" aka "STEVIE MALDONADO" aka "EMILIO MALDONADO" as an alleged subject in the January 6, 2021 riots. COMPLAINANT 1, who has known MALDONADO for many years heard from COMPLAINANT 2, who has also known MALDONADO for many years, that COMPLAINANT 2 recognized MALDONADO from news coverage as one of the individuals inside of the Capitol. COMPLAINANT 2 used their cell phone camera to take pictures of the news coverage on the television screen which contained photographs of MALDONADO. COMPLAINANT 2 subsequently sent the pictures to COMPLAINANT 1, which COMPLAINANT 1 provided to FBI agents on January 17, 2021.



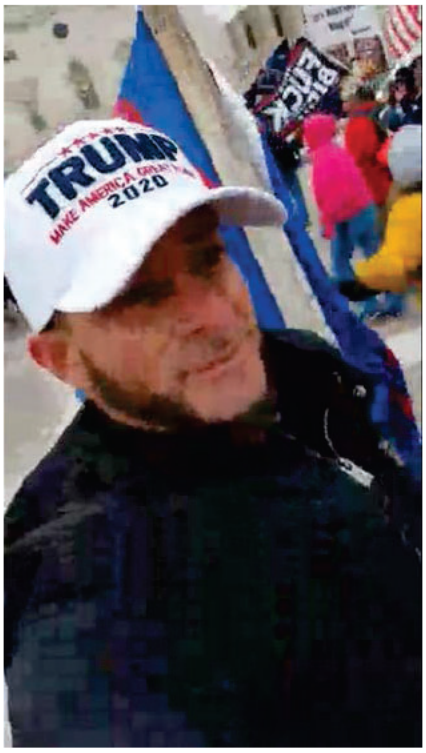
"News Photo 1" "News Photo 2"

COMPLAINANT 1 then went to the FBI's website to scan the photographs of wanted individuals. COMPLAINANT 1 recognized MALDONADO as "Photograph #20" on an FBI poster that contained a collage of photographs of individuals wanted in connection to the violence at the Capitol. Following an interview with agents of the Tampa Division on January 17, 2021, COMPLAINANT 1 provided the interviewing agents with "Photograph #20." Photograph 20 was taken from the FBI website.



"Photograph #20"

COMPLAINANT 1 then contacted another individual, hereinafter COMPLAINANT 3, to report that MALDONADO was wanted by the FBI for the riots at the Capitol. COMPLAINANT 3, who has also known MALDONADO for many years, then advised that they knew MALDONADO was in the Capitol because COMPLAINANT 3 received videos from MALDONADO that MALDONDO recorded of himself from outside and inside the CAPITOL. COMPLAINANT 3 subsequently shared the videos with COMPLAINANT 2. COMPLAINANT 2 then shared the videos with COMPLAINANT 1 and COMPLAINANT 1 provided the videos to the FBI on January 17, 2021. Screenshots of those videos are below, one of which was taken inside the Senate Chamber:



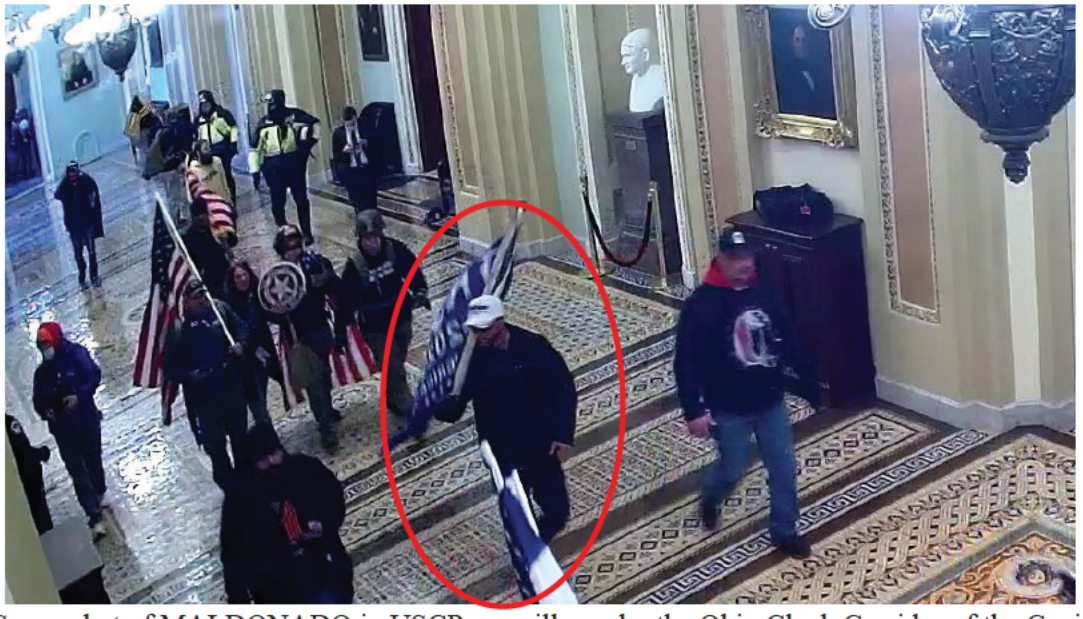
Screenshot of video provided by COMPLAINANT 1 of MALDONADO

Screenshot of video provided by COMPLAINANT 1 as recorded by MALDONADO

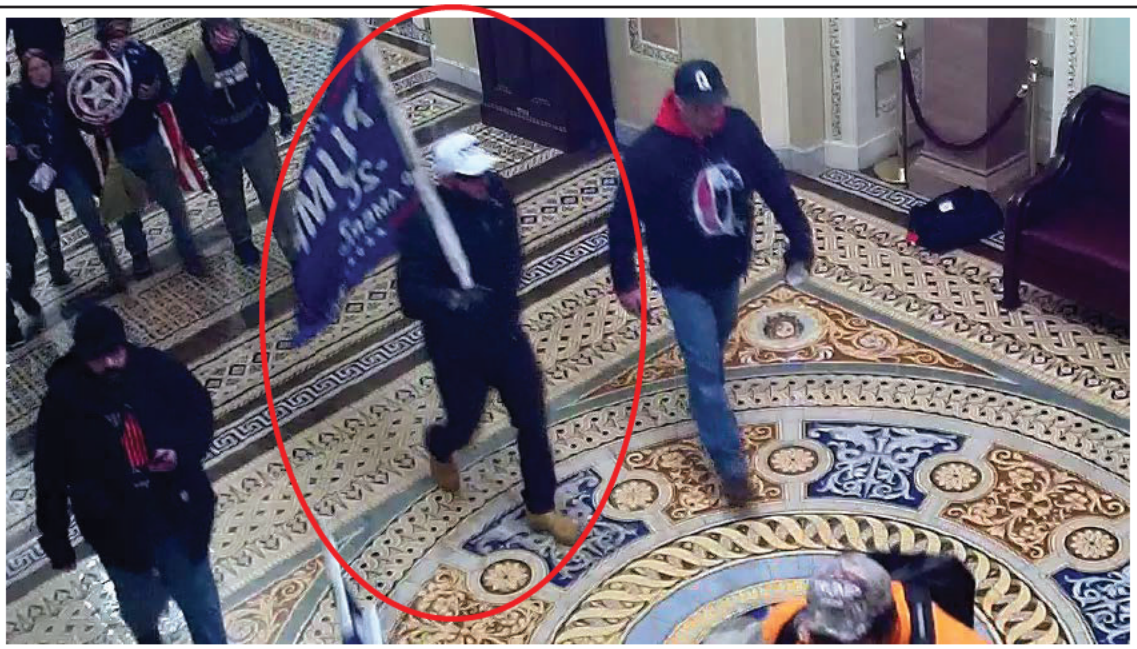
On or about January 19, 2021, investigating Agents conducted an online search and obtained social media photographs of MALDONADO. Agents also obtained MALDONADO's driver's license photograph which appeared to match both "Photograph #20" and the above screenshot of MALDONADO's face provided by COMPLAINANT 1.

On or about January 20, 2021, COMPLAINANT 1 told interviewing Agents that the voice heard on the video recorded inside of the Capitol sounded like MALDONADO's voice. COMPLAINANT 2 also told COMPLAINANT 1 that COMPLAINANT 2 recognized MALDONADO's voice as the voice heard on the video recorded inside of the Capitol.

On January 23, 2021, investigating Agents received video and photos from the United States Capitol Police ("USCP") depicting an individual in a white hat walking around the Capitol building, who appears consistent with the description of MALDONADO. Screenshots of those videos are below:



Screenshot of MALDONADO in USCP surveillance by the Ohio Clock Corridor of the Capitol.



Screenshot of MALDONADO in USCP surveillance by the Ohio Clock Corridor of the Capitol.

On February 3, 2021, MALDONADO was interviewed by the FBI at his residence where he admitted that he and his friend attended the 'Stop the Steal' rally in Washington, DC on January 6, 2021. MALDONADO arrived at the Capitol grounds at approximately 10:35 am. MALDONADO admitted to entering the Capitol and entering the Senate through the doors at the top. MALDONADO acknowledged he was the man wearing the white hat with the blue flag in USCP surveillance footage from inside the Capitol building, screenshots included above. MALDONADO also confirmed that he was the man in "Photograph 20".

Based on the foregoing, your affiant submits that there is probable cause to believe that STEVE OMAR MALDONADO violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a "restricted building" includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that STEVE OMAR MALDONADO violated 40 U.S.C. § 5104(e)(2)(D) and (e)(2)(G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of

Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

[redacted]

Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 8th day of February, 2021.

2021.02.08
20:54:56 -05'00'

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE